

REMARKS

This responds to the Office Action mailed on June 20, 2007.

Claims 1, 3, 4, 16, 30, 32, and 34 are amended, claim 2 is cancelled, and no claims are added; as a result, claims 1 and 3-35 are now pending in this application.

§102 Rejection of the Claims

Claims 1-3, 6, 9, 13-14 and 30 were rejected under 35 U.S.C. § 102(b) for anticipation by Grootwassink (U.S. 7,031,705).

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of anticipation; because, the reference does not teach each and every claim element.

To anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 has been amended herein to include, “..., wherein processing the client device configuration data includes determining if the configuration data meets predetermined security requirements ...” As correctly stated in the June 20, 2007 Office Action at pg. 7, second paragraph, “...Grootwassink does not teach processing the configuration data [including] determining if the configuration data meets predetermined security requirements.”. Because this element is part of claims 1, 16, 30, 32, and 34 and the claims dependent thereon, Grootwassink does not teach or anticipate the presently claimed invention.

Therefore, Applicants respectfully submit that, at least for the reasons set forth above, Grootwassink does not teach or suggest each and every element of claims 1, 16, 30, 32, and 34 and the claims dependent thereon. Thus, these claims are allowable and it is requested that the claim rejections under 35 U.S.C. § 102(e) be withdrawn.

§103 Rejection of the Claims

Claims 4-5, 7-8, 10-12, 15-29 and 31-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grootwassink, in view of Albert et al. (U.S. 2003/0177389, hereinafter “Albert”).

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of obviousness; because, the cited references alone or in combination do not suggest the presently claimed combination of elements.

In the recent decision of the Supreme Court on *KSR Int’l Co. v. Teleflex Inc.*¹, the analysis of obviousness previously set forth in *Graham v. John Deere Co. of Kansas City*,² was reaffirmed. The Court in *Graham* set out an objective analysis for applying §103, “Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or non-obviousness of the subject matter is determined.”

The test for obviousness under §103 must take into consideration the invention as a whole; that is, one must consider the particular problem solved by the combination of elements that define the invention³. The Examiner must, as one of the inquiries pertinent to any obviousness inquiry under 35 U.S.C. §103, recognize and consider not only the similarities but also the critical differences between the claimed invention and the prior art⁴.

Applicants traverse the rejections noted above under 35 USC § 103(a), because the Office Action fails to establish a *prima facie* case of obviousness with respect to these claims for at least the reasons stated below. The Grootwassink and Albert references when combined do not teach or suggest all the claim elements⁵ of Claims 1, 16, and 30 and the claims dependent thereon.

Grootwassink describes methods and processes for validating roaming cellular telephone users and wireless telephone devices. Grootwassink is not focused on providing access to a packet-switched network (e.g. the Internet) as presently claimed. As such, the presently claimed

¹ 27 S.Ct. 1727, 82 USPQ.2d 1385 (2007)

² 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966)

³ See *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir.1985).

⁴ See *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), reh'g denied, 1990 U.S. App. LEXIS 19971 (Fed. Cir.1990).

⁵ M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991))

configuration data, the authentication information, and the predetermined security requirements as presently claimed are being applied in a context (i.e. access to a computer network) that is completely different from the context described in Grootwassink (i.e. access to a cellular telephone network).

Grootwassink describes its technology as follows.

Assume Mr. Smith travels from Brazil to Miami, Fla. where he desires to use his wireless unit--normally served by a Brazilian carrier. Referring to FIG. 2, after Mr. Smith powers-on or turns on his mobile unit, at step 1 the mobile unit sends a registration request to a serving MSC (MSC-V) in the network that serves the Miami region. The MSC-V receives the registration information that is provided by the wireless unit that typically includes the ESN and MIN of the wireless unit. If the MSC-V does not find the wireless unit in its HLR or VLR and if the MSC-V determines a non-North American carrier serves the mobile number, the MSC-V forwards the registration information to a SCP. The SCP looks up the carrier associated with the wireless unit in order to forward the registration notification request to that carrier's HLR.

(Col. 5, lines 33-47) (Emphasis added)

In the above passage, the MSC-V (Mobile Switching Center-Visited) receives the registration information from the mobile unit, the MSC forwards the registration information to a SCP (Service Control Point), the SCP forwards the registration notification request to the carrier's HLR. However, the passages describes the MSC receiving the registration information provided by the wireless unit, which is not the same *an access request from a client access device, the access request requesting access to a packet-switched computer network*. Because Grootwassink at Col. 2 lines 50-51 specifically states that the wireless unit's identification is also referred to as registration information, the registration information can be considered as the wireless unit's identification, which may be used in an access request, but can not be equated with *an access request to a packet-switched computer network*. As such, the passage does not teach, *"in a first service access provider . . . receiving an access request from a client access device, the access request requesting access to a packet-switched computer network . . ."* as recited in claim 1.

Albert describes a system for applying a security policy to a connection to a network. However, Albert does not describe a system that receives an access request from a client access

device, the access request requesting access to a packet-switched computer network, wherein a user associated with the client access device is a subscriber of a second service access provider.

As such, Albert does not describe the forwarding of access requests in a roaming context.

Therefore, one of ordinary skill in the art would not have been motivated to combine Grootwassink with Albert. Further, Albert alone does not teach or suggest the presently claimed combination of elements.

Even if combined, the cited references fail to teach or suggest all of the elements of Applicant's claimed invention. In consideration of the above 35 U.S.C. § 103(a) rejections, in light of the arguments presented with respect to independent claims 1, 16, 30, 32, and 34, Grootwassink and Albert do not anticipate any of the independent claims 1, 16, 30, 32, and 34, and their dependent claims. As such, Applicants respectfully submit that no prima facie case of obviousness, for the claims, based on Grootwassink and Albert is established. Therefore, claims 1 and 2-35 stand allowable and it is respectfully requested the claim rejections under 35 U.S.C. § 103(a) be withdrawn.

Reservation of Rights

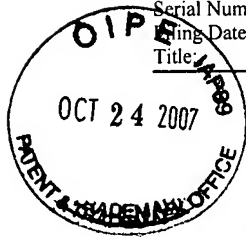
In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Serial Number: 10/821,313

Dkt: 2062.024US1

Filing Date: April 8, 2004

Title: METHOD AND SYSTEM FOR VERIFYING THE CONFIGURATION OF AN ACCESS DEVICE



CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-406-4855 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date October 22, 2007

By 

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of October, 2007.

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